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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,389	04/02/2001	Kambiz Rafizadeh	4744--102 US	1592

7590 02/25/2005

Diane Dunn McKay, Esq.  
Mathews, Collins, Shepherd & Gould, P.A.  
Suite 306  
100 Thanet Circle  
Princeton, NJ 08540

EXAMINER

NALEVANKO, CHRISTOPHER R

ART UNIT PAPER NUMBER

2611

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/825,389

Applicant(s)

RAFIZADEH, KAMBIZ

Examiner

Christopher R Nalevanko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Canada on 09/08/2000. It is noted, however, that applicant has not filed a certified copy of the 2,317,869 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1- are rejected under 35 U.S.C. 103(a) as being unpatentable over Bendinelli et al (6,792,618) in further view of Neel et al (5,838,314).

Regarding Claim 1, Bendinelli shows an entertainment system comprising a story module for presenting an episode of a story (col. 5 lines 7-30, program), and an interactive response module operatively linked to the story module (col. 5 lines 10-30, user selects alternate ending), wherein an episode of the story requests user input to determine the content of a next episode of the story through a series of questions presented by the interactive response module (col. 5 lines 10-30, 55-67, col. 7 lines 30-42, 5-67, user can select multiple points in the story to change content). Bendinellis fails to show an advertising module linked to advertisers and wherein the episode invites the user to research the advertising module and the interactive response module requires use

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of the advertising module prior to enabling user input to the interactive response module. Neel shows an advertising module linked to advertisers (col. 13 lines 1-32, advertising database). Furthermore, Neel shows that the module invites users to interact with the advertisements and requires them to answer questions before enabling a user to view a program (col. 15 lines 1-35, interactive commercials, col. 5 lines 30-40, col. 19 lines 1-45, requiring a user to interact with an advertisement and answer question before viewing programming material). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bendinelli with the ability to have interactive advertisements that were required to be viewed, as shown in Neel, so that a viewer would have to notice advertised material, thus enhancing the possibility that they would buy a product.

Regarding Claim 2, Neel further shows that a user must be registered prior to receiving interactive information (col. 10 lines 54-58, creating a customer file, col. 11 lines 10-25, billing system, col. 12 lines 55-67, storing a variety of customer information, col. 15 lines 47-55, validating payment information, col. 19 lines 30-35, registered user's name). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bendinelli with the ability to register users, as in Neel, so that a system could keep track of user activity.

Regarding Claim 3, Bendinelli shows that the presentation is a television show and website presentation (col. 4 lines 15-40, URL and television signal).

Regarding Claim 4, Neel shows a management module that receives and reports specific user information to an advertiser (col. 12 lines 55-67, customer information

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database, col. 13 lines 1-3, information transmitted to advertiser, col. 15 lines 23-35, storing interactive user information). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bendinelli with the ability to record user activity, as in Neel, so that a system could keep track of user preferences.

Regarding Claim 5, Bendinelli shows a module for receiving user responses and developing further media presentations based on the responses (col. 5 lines 10-30, 55-67, col. 7 lines 30-42, 5-67, user can select multiple points in the story to change content).

Regarding Claim 6, Bendinelli shows that the presentation can have website data, or a URL (col. 2 lines 10-30, col. 4 lines 15-32, col. 5 lines 10-30, col. 6 lines 5-15, presentation being shown through URLs). All other limitations of the claim have been addressed with regards to Claim 1.

Regarding Claim 7, the limitations of the claim have been discussed with regards to Claim 2.

Regarding Claim 8, Bendinelli shows a module for receiving user responses and developing further media presentations based on the responses (col. 5 lines 10-30, 55-67, col. 7 lines 30-42, 5-67, user can select multiple points in the story to change content). Bendinelli also shows that viewer selections are reported and stored in the set-top box (col. 5 lines 10-30, storing selection, col. 7 lines 30-55, hit and selection statistics).

Regarding Claim 9, the limitations of the claim have been discussed with regards to Claim 4.

Regarding Claim 10, the method claim has been addressed with regards to the system claim of Claim 6.

Regarding Claim 11, Neel further shows that a user must be registered prior to receiving interactive information (col. 10 lines 54-58, creating a customer file, col. 11 lines 10-25, billing system, col. 12 lines 55-67, storing a variety of customer information, col. 15 lines 47-55, validating payment information, col. 19 lines 30-35, registered user's name). Furthermore, although not specifically stated, it is nonetheless inherent that if a user has not registered or has not paid, they will not have access. This is one of the main purposes of registering a user. It prevents other users from accessing information for free. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bendinelli with the ability to register users, as in Neel, so that a system could keep track of user activity and prevent unauthorized use.

Regarding Claim 12, the limitations of the claim have been discussed with regards to Claim 11.

Regarding Claim 13, the method claim has been addressed with regards to the system claim of Claim 6.

Regarding Claim 14, the method claim has been addressed with regards to the system claim of Claim 1.

Regarding Claim 15, the method claim has been addressed with regards to the system claim of Claim 2.

Regarding Claim 16, Neel shows that the module invites users to interact with the advertisements and requires them to answer questions before enabling a user to view a program (col. 15 lines 1-35, interactive commercials, col. 5 lines 30-40, col. 19 lines 1-45, requiring a user to interact with an advertisement and answer question before viewing

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programming material). Neel further shows that a user must be registered prior to receiving interactive information or advertisements (col. 10 lines 54-58, creating a customer file, col. 11 lines 10-25, billing system, col. 12 lines 55-67, storing a variety of customer information, col. 15 lines 47-55, validating payment information, col. 19 lines 30-35, registered user's name). Therefore a user must register prior to providing responses to choices.

Regarding Claim 17, Neel shows that a user responds to questions that modify his profile (col. 15 lines 5-11, questions).

Regarding Claim 18, the method claim has been addressed with regards to the system claim of Claim 3.

Regarding Claim 19, the method claim has been addressed with regards to the system claim of Claim 4.

Regarding Claim 20, the method claim has been addressed with regards to the system claim of Claim 5.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reimer et al U.S. Patent No. 5,781,790 discloses a system and method for enabling the creation of personalized movie presentations and personalized movie collections.

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Durden et al U.S. Patent Application Publication No. 2004/0261099 discloses a method for formulating, delivering and managing data concerning programming content and portions thereof.

Best U.S. Patent No. 4,305,131 discloses dialog between TV movies and human viewers.

Abecassis U.S. Patent No. 6,553,178 discloses an advertisement subsidized video-on-demand system.

Matheny et al U.S. Patent No. 6,766,524 discloses a system and method for encouraging viewers to watch television programs.

Candelore U.S. Patent No. 6,057,872 discloses a digital coupons for pay televisions.

Blahut et al U.S. Patent No. 5,532,735 discloses a method of advertisement selection for interactive service.

Lavallee et al U.S. Patent No. 5,737,552 discloses a machine, method and medium for linear programming with interactive conversational interface.

Hjelsvold et al U.S. Patent Application Publication No. 2003/0145333 discloses a system for hypervideo filtering based on end-user payment interest and capability.

Shiels et al U.S. Patent No. 6,260,194 discloses an information handling for interactive apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 703-305-8093. The examiner can normally be reached on M-F 8-5.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Nalevanko  
AU 2611  
703-305-8093

cn



VIVEK SRIVASTAVA  
PRIMARY EXAMINER